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In re Application of
IKIADES et al
U.S. Application No.: 10/560,755
PCT No.: PCT/GB2003/002600
Int. Filing Date: 17 June 2003
Priority Date: 13 June 2002
Attorney Docket No.: 7429-72784-01
For: ICE DETECTION APPARATUS AND
METHOD

DECISION

This decision is in response to applicants' "Renewed Petition Under 37 C.F.R. §1.47(a) for Unavailable Inventor" filed 02 February 2007.

BACKGROUND

On 30 November 2006, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed because applicants failed to satisfy item (2) of 37 CFR 1.47(a). Applicants were given two months to respond.

On 02 February 2007, applicants filed the instant renewed petition which was accompanied by, *inter alia*, a declaration of co-inventor, David Armstrong; a declaration of Sylvie J. Cook; a declaration of Arle Pellikaan; and copies of internet searches

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the required petition fee; (2) factual proof that the missing joint inventor cannot be located; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the non-signing joint inventor.

Items (1), (3) and (4) of 37 CFR 1.47(a) were completed in the original petition.

Regarding item (2), the 37 CFR 1.47(a) applicants failed to show that a diligent effort was made to locate the nonsigning inventor in the initial petition. Specifically, a statement of facts by a person having first-hand knowledge of the nonsigning inventor's location was required. Moreover, documentary evidence of the internet searches and telephone calls made to locate the nonsigning inventor was also needed.

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In the renewed petition, the 37 CFR 1.47(a) applicants submitted statements and documentary evidence requested by the prior decision. A review of this evidence shows that Mr. Hare has moved to New Zealand. The 37 CFR 1.47(a) applicants have also shown that a diligent effort was made to locate the nonsigning joint inventor but to no avail. As such, item (2) of 37 CFR 1.47(a) is satisfied.

All the requirements of 37 CFR 1.47(a) are now complete.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 17 June 2003 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 11 September 2006.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



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